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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 STEVEN M. KINFORD,

Case No. 3:12-cv-00489-MMD-VPC

10 Petitioner,

ORDER

11 v.

12 JACK PALMER, et al.,

13 Respondents.
14

15 Petitioner Steven M. Kinford filed this petition for writ of habeas corpus. Before
16 the court are two motions by petitioner: motion for court interaction (dkt. no. 15) and
17 motion for records/court case documents (dkt. no. 16). Respondents filed a response to
18 each motion (dkt. nos. 17, 18).

19 In petitioner's motion for court interaction (dkt. no. 15), he seeks an order
20 directing Nevada Department of Corrections personnel to administer certain prescription
21 medication for Attention Deficit Hyperactivity Disorder to him in order for him to litigate
22 this petition more effectively. However, respondents are correct that the matter before
23 this Court is the federal petition for a writ of habeas corpus that challenges the legality
24 of petitioner's conviction pursuant to 28 U.S.C. § 2254. If petitioner has a claim that
25 prison officials are acting with deliberate indifference to a serious medical need, such
26 claim would implicate his Eighth Amendment rights and would require that he file a civil
27 rights complaint pursuant to 42 U.S.C. § 1983. The issue of petitioner's medication is
28 not properly before this Court, and therefore, his motion for Court interaction is denied.

1 See Rule 1(a)(1), Rules Governing Section 2254 Cases; *Heck v. Humphrey*, 512 U.S.
2 477, 480 (1994).

3 Next, petitioner has filed a motion for records/court case documents (dkt. no. 16).
4 Petitioner alleges that on October 14, 2011, he requested that his former counsel, Mr.
5 Ken Ward, send him all court documents, tapes/CDs and any other documents related
6 to his case no. CR6913 in Lyon County District Court. It appears that Mr. Ward
7 represented petitioner during the entry of his guilty plea and at sentencing. Petitioner
8 alleges that Mr. Ward said that he already sent such documents to petitioner, but that
9 petitioner never received copies of audio CDs that are part of his case, or a follow-up
10 report done by detectives in Lyon County (*id.* at 1-2).

11 The Court will defer a ruling on this motion at this time. Instead, the parties are
12 ordered to provide supplemental briefing. Petitioner is directed to file a brief with the
13 Court that describes specifically what the documents and/or items are that he claims he
14 has not received from his former counsel and that explains the specific relevance of the
15 documents and/or items to the grounds in his federal habeas petition. Petitioner shall
16 state whether these documents/items are relevant to respondents' motion to dismiss
17 this petition. Respondents shall then file a responsive brief which shall include an
18 explanation as to whether or not they are aware of the nature of these documents/items
19 and, if so, why they have not provided them to the Court as exhibits to their motion to
20 dismiss.


21 IT IS THEREFORE ORDERED that petitioner's motion for court interaction (dkt.
22 no. 15) is DENIED.

23 IT IS FURTHER ORDERED that, within thirty (30) days of the date this order is
24 entered, petitioner shall file a supplemental brief in support of his motion/request for
25 records/court case documents (dkt. no. 16) in conformance with this order.

26 IT IS FURTHER ORDERED that, within fourteen (14) days of the date that
27 petitioner files and serves his supplemental brief, respondents shall file a responsive
28 supplemental brief in conformance with this order.

1 IT IS FURTHER ORDERED that respondents' second motion for extension of
2 time to file and serve their response to the petition (dkt. no. 19) is GRANTED nunc pro
3 tunc.

4 DATED THIS 19th day of June 2013.
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8 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE
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